

(2025) 10 BOM CK 1097
In the Bombay High Court
Case No : Writ Petition No. 6076 Of 2025

Prasad Dinkar Patil

APPELLANT

Vs

Chief Executive Officer

RESPONDENT

Date of Decision : 14-10-2025

Acts Referred:

Rights of Persons with Disabilities Act, 2016 — Section 20, 20(4)

Citation : (2025) 10 BOM CK 1097

Hon'ble Judges : Ashwin D. Bhobe, J; Ravindra V. Ghuge, J

Bench : Division Bench

Advocate : Gaurav Bandiwadekar, Bhushan Bandiwadekar, Gayatri Bandiwadekar, Sneha Bhange, Divya Verma, Vishruti Tari, P.P.Kakade, Priyanka B. Chavan, Neha Bhosale, Sachin Deshpande

Final Decision : Allowed

Judgement

Ravindra V. Ghuge, J

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. The Petitioner has put forth the following prayers :-

"a] By a suitable order or direction or writ in the nature of mandamus this Hon'ble Court may be pleased to quash and set aside the impugned order dated 17.2.2025 passed by the Respondent No. 1 under which the Petitioner has been declared as invalid on medical grounds with effect from 17.11.2023 and accordingly the Petitioner be granted all the consequential service benefits including the order of reinstatement on the post of Live Stock Supervisor with all consequential service benefits including the payment of backwages.

b] By a suitable order or direction or writ in the nature of mandamus this Hon'ble Court may be pleased to quash and set aside the impugned order dated 26.11.2024 passed by the Respondent No. 2 under which the services of the

Petitioner have been declared to be permanently incapacitated and declared the Petitioner to be invalidated on medical grounds and accordingly the Petitioner be granted all the consequential service benefits.

c] By a suitable order or direction or writ in the nature of mandamus this Hon'ble Court may be pleased to direct the Respondents to invoke the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 and accordingly the Petitioner be reinstated in service on the post of Live Stock Supervisor with all consequential service benefits including backwages.

d] By a suitable order or direction or writ in the nature of mandamus this Hon'ble Court may be pleased to direct the Respondents to forthwith pay to the Petitioner the arrears of monthly salary, so also the backwages with effect from January 2021 till the date of reinstatement and continue to pay thereafter till he attains the age of the superannuation of 58 years."

3. On 7th October 2025, we had passed the following order :

"1. This Petition brings before us a case with such unforeseen facts that indicate heartless behaviour by an officer of the Zilla Parishad, causing grave injustice and manifest inconvenience to an employee who is seriously ill.

2. This is a case wherein the Petitioner was a Live Stock Supervisor with the Raigad Zilla Parishad. He was on medical leave between April, 2018 to May, 2018 and had tendered medical certificates for the period of his absence. The illness was related with a Neurological problem. He then started suffering from seizures from June, 2018. On 3.1.2019, he suffered a Brain Stroke and was rendered a paraplegic. He was forced to be on leave. After treatment, he attempted to report for duties by tendering applications. The BDO permitted him to join duties on 25.6.2019. However, due to deterioration of his brain condition, he had to frequently undergo treatment.

3. He was served with a show cause notice on 29.8.2019 and the Zilla Parishad suspended him on 30.6.2020. Thereafter, a charge-sheet was issued to him on 11.9.2020, when he was completely bedridden, could not move and had to be administered liquid food through a tube inserted from his nose, under supervision of specialised nurses. The photographs of his said condition are placed on record.

4. We are aghast that the Zilla Parishad intends to conduct a departmental enquiry of an employee who is paraplegic, had suffered a brain stroke, is unable to eat food and is on liquid food being administered through a tube by nurses. We are informed that the following are the Chief Executive Officers who were the persons who took the decisions to treat the Petitioner this way :

(i) Mr. Dilip Halde- CEO, ZP, Raigad in 2020 at the time of the Petitioner's suspension.

(ii) Dr. Kiran Patil – CEO, ZP in February, 2021 at the time of his reinstatement

and initiation of disciplinary proceeding.

5. To say the least, our judicial conscious is shocked and we are pained. Such officers need to be dealt with, firmly.

6. The learned Advocate for the Petitioner submits that during the suspension period, he received 50% salary towards suspension allowance.

7. The learned Advocate for the ZP submits that the Petitioner was reinstated in service on 10.2.2021. It is conceded that after his reinstatement on 10.2.2021, he has not been paid his salary till today, because he could not remain present on duties. Dr. Kiran Patil, CEO reinstated the Petitioner.

8. In view of the high-handed approach of the Zilla Parishad through its Chief Executive Officers,

we are permitting the Petitioner to add the Principal Secretary, General Administration Department as Respondent No.3, for the reason that, if we are convinced while deciding this case that these CEOs need to be questioned for their aforesated behaviour, we would be able to pass appropriate orders. Addition be carried out forthwith.

9. The learned Addl. G.P. causes his appearance on behalf of Respondent No. 3.

10. Since the learned Advocate for the CEO seeks short time to file the affidavit in reply which is already drafted and is yet to be approved, we permit the filing of the affidavit by this Friday, 10th October, 2025.

11. List this Petition at Serial No. 1 on 13th October, 2025.”

4. The learned Advocate representing the Zilla Parishad informs us that the Chief Executive Officer (CEO) is present today in the Court Hall. She is instructed by the CEO that the Petitioner shall be treated as on duty, considering his health condition. A proposal will be sent to the Government for sanctioning his unpaid salary/suspension allowance, if not already paid, and the said amount shall be paid to the Petitioner.

5. We are informed by the Zilla Parishad that there is no scheme for compassionate appointment of any dependent of an ailing person, as such appointment can only be made if an employee has passed away in harness.

6. In view of the above and the observations of this Court set out in the order dated 7th October 2025, we find that the case of the Petitioner can be considered for the benefits available under Section 20(4) of the Rights of Persons with Disabilities Act, 2016, read with the two proviso thereto. For clarity, Section 20 is reproduced as under :-

“20. Non-discrimination in employment.—(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities”.

7. There is no dispute that the Petitioner is still in employment. He has suffered a brain stroke resulting in debilitating health problems. He is practically bed-ridden. He can be treated as a person who has acquired a disability while in service and can be held eligible for the benefits under the provisions of the 2016 Act.

8. In these circumstances, the Zilla Parishad will have to forward a proposal for converting the Petitioner’s post into a supernumerary post, considering the fact that he is unable to move out of his bed and is presently being fed fluids through tubes. God forbid, if unfortunately the Petitioner suffers the worst, prior to his date of superannuation, then an eligible family member in such circumstances shall be considered for compassionate appointment, notwithstanding that the Government has converted his present post into a supernumerary post.

9. In view of the above, we direct that the Petitioner shall be paid his regular monthly salary, beginning from the month of September 2025, within one week from today, and in any event, prior to 20th October, 2025. The arrears of salary, prior to September 2025 and any unpaid suspension allowance, shall be paid to him within 60 days from today.

10. With the above directions, this Writ Petition is partly allowed.

11. Before parting with this matter, on the one hand, we appreciate the stand taken by Ms. Neha Bhosale, the CEO of the Zilla Parishad, on the basis of which we have passed the aforesaid order, having regard to Section 20 of the Rights of Persons with Disabilities Act, 2016. On the other hand, we direct the Principal

Secretary, Rural Development Department, to arrange a counselling/sensitisation session for Mr. Dilip Halde, CEO, Zilla Parishad, Raigad, and Dr. Kiran Patil, CEO, Zilla Parishad, to apprise them of the rights of persons with disabilities under the 2016 Act, so as to sensitize them to deal with such cases with compassion and sympathy.

12. The compliance report of these directions shall be placed before the Court on 15th December, 2025.

13. At this juncture, the learned Advocate for the Petitioner submits that an application seeking medical reimbursement has been filed with the Zilla Parishad. We are not inclined to express any view on the same. We would only request the Zilla Parishad, through its Chief Executive Officer, to consider the said application, and if the Petitioner is legally entitled to any medical reimbursement, the same be processed at the earliest, strictly as per the specific conditions or policy applicable to the cadre in which he is serving.

14. Rule is made partly absolute in the above terms.